



August 22, 2006

**SUBJECT: Response to Santa Clara County Civil Grand Jury Regarding Reducing Language Barriers in Domestic Violence Calls****REPORT IN BRIEF**

In March 2006, the Santa Clara County Civil Grand Jury (Grand Jury) conducted an inquiry concerning law enforcement agency policies, procedures, and practices for handling domestic violence related calls. Of particular interest is how agencies handle communications issues with non-English speaking parties involved in these incidents.

The Grand Jury inquiry resulted in six findings and a recommendation for each. As part of their Final Report, the Grand Jury found that:

- Some officers ask children, friends, or neighbors to interpret on behalf of limited English speaking victims.
- Not all agencies are utilizing an Over-the-Phone Interpretation service.
- There is an inconsistency among agencies in terms of training to keep officers up-to-date with Domestic Violence Protocol changes as developed by the Domestic Violence Council.
- Some agencies do not collaborate with community-based organizations that provide domestic violence services and programs.
- Officers provide the Domestic Violence Resource Card to victims during domestic-violence-related calls, but most often not to other affected parties.
- One agency does not facilitate community-based organization follow-up contact with domestic violence victims.

California Penal Code § 933(c) requires that a governing body of the particular public agency or department which has been the subject of a Grand Jury Final Report shall respond within **90 days** (by September 8, 2006) to the Presiding Judge of the Superior Court on the Findings and Recommendations pertaining to matters under the control of the governing body.

The Penal Code requires each agency to respond in Agreement or Disagreement with each applicable Finding; and state whether or not each Recommendation has been implemented, will be implemented, or will not be implemented.

This report addresses and responds to the Grand Jury Findings and Recommendations as required by law.

## **BACKGROUND**

In 2005 the Santa Clara County Civil Grand Jury conducted an investigation of the policies, procedures and practices of how law enforcement agencies handle a domestic-violence related call when there is a language barrier. One of the investigative/fact finding tools they utilized was a survey of all 15 police agencies within Santa Clara County. The 18-question survey was completed by staff of Public Safety in early 2006, provided as Attachment A.

Once the survey was administered to all 15 agencies within the county, the information was compiled and six findings and recommendations were ultimately generated. These recommendations were deemed to be the “best practices” that would aid in the investigation of domestic violence calls when there is a language barrier between the involved parties and the law enforcement agency conducting the investigation.

In June 2006, the City Council received the final report “Reducing Language Barriers in Domestic Violence Calls” from the 2005-2006 Santa Clara County Civil Grand Jury. The Grand Jury’s final report is provided as Attachment B.

## **EXISTING POLICY**

Public Safety Support Law Enforcement Sub-Element Policy 4.1B.2e contains the following action statement: “Develop programs that are aimed at reducing domestic violence.”

Public Safety Support Law Enforcement Sub-element Policy 4.1B.2f contains the following action statement: “Maintain liaison with appropriate support groups with victims of domestic violence and other traumatic crimes.”

Santa Clara County Domestic Violence Protocol

Public Safety Procedures Manual: Chapter 4.2

## **DISCUSSION**

Public Safety staff reviewed policy and practices related to the Grand Jury findings and found that Public Safety is in fact utilizing all the best practices as outlined in the Grand Jury report.

Based on the city's existing policies and Public Safety practices, staff agrees with all of the findings contained in the Grand Jury report.

The following is a synopsis of the Grand Jury's findings and recommendations, along with a description of how Public Safety has implemented the recommendations.

**Finding 1**

Some officers ask children, friends, or neighbors to interpret on behalf of a limited English speaking person, which is not supported in the Domestic Violence Protocol.

Staff agrees with Finding 1, based on the information provided in the Grand Jury's Final Report.

**Recommendation 1**

Officers should use discretion with non-certified sources of interpretation, such as family members, children, or neighbors. Officers should not use alleged perpetrators to interpret, except in exigent circumstances. Preferences should be given to using a certified interpreter, who may be available within the responding agency or from a neighboring agency and/or an Over the Phone Interpretation (OPI) service.

**Implementation**

Public Safety currently has thirteen employees who are certified as bi-lingual in Spanish, Chinese or Tagalog. Other employees are fluent in Vietnamese, Korean and Japanese; however are not certified translators. Public Safety also utilizes the Language Line Service to assist in their investigations in the field and at the Public Safety building. While uninvolved parties may be used initially to determine what has occurred, discretion is always used in determining the relationship of the involved parties and the potential interpreter.

**Finding 2**

Three agencies surveyed do not utilize an Over-the-Phone Interpretation Service, whereas other agencies successfully use an OPI service, such as Language Line Services or Network Omni as an option for language interpreters.

Staff agrees with Finding 2, based on the information provided in the Grand Jury's Final Report.

## **Recommendation 2**

Law enforcement agencies serving diverse communities with limited English speakers should implement a policy to train and encourage officers to use an OPI service when other interpretation resources are not readily available.

## **Implementation**

Public Safety is not one of the three agencies the Grand Jury is referring to in this finding. While we do not have a written policy on using the OPI service, officers are trained in the Field Training program and during advanced officer training sessions on how to utilize the services and do utilize those services on a regular basis.

## **Finding 3**

There is inconsistency among agencies in terms of training to keep officers up-to-date with Domestic Violence Protocol changes as developed by the Domestic Violence Council. One agency relies on voluntary use of an internal website to allow officers to stay current on the Protocol.

Staff agrees with Finding 3, based on the information provided in the Grand Jury's Final Report.

## **Recommendation 3**

All agencies should implement formal training to ensure that officers participate in structured presentations of up-to-date information and require a certification that each officer has completed and comprehended the material.

## **Implementation**

Public Safety's Police Training Unit currently provides annual updates on the county Domestic Violence Protocol and has done so since the initial protocol was developed in 1993. The training sessions are documented and kept in individual officer's training records as well as the department's overall training records for training provided.

## **Finding 4**

The immigrant and limited English speaking population in the county continues to grow and change. Some agencies do not collaborate with community-based organizations that provide domestic violence services and programs relevant to this population.

Staff agrees with Finding 4, based on the information provided in the Grand Jury's Final Report.

#### **Recommendation 4**

Agencies should develop training programs in collaboration with community-based organizations to educate all personnel about cultural, religious, economic, and immigration-related issues that may affect victims' decisions and reactions to domestic violence and community services. Conducting outreach programs with immigrant communities helps to connect these communities with the police and inform them about the law.

#### **Implementation**

Public Safety conducts multiple advanced officer training sessions each year for all officers on the department. At least one of the sessions pertains to diversity within the community and learning about the different cultures that make up the Sunnyvale community.

#### **Finding 5**

Officers provide the Domestic Violence Resource Card to victims during domestic-violence-related calls, but most often not to other affected parties.

Staff agrees with Finding 5, based on the information provided in the Grand Jury's Final Report.

#### **Recommendation 5**

Agencies should require officers to provide the card to all parties involved, as appropriate.

#### **Implementation**

Public Safety Officers provide the Domestic Violence Resource Card to all involved parties during all domestic violence investigations.

#### **Finding 6**

One agency does not have an agreement with any domestic violence community-based organization to review police reports in order to facilitate organization follow-up contact with victims for support and services.

Staff agrees with Finding 6, based on the information provided in the Grand Jury's Final Report.

#### **Recommendation 6**

All agencies should establish working relationships with appropriate community-based organizations.

#### **Implementation**

Currently there are two community-based organizations that work with Public Safety to assist the victims of domestic violence. A representative from the

Support Network for Battered Women comes to Public Safety weekly to review domestic violence related police reports and conduct follow-up phone calls to the victims. These reports are also sent weekly to the Santa Clara County Victim/Witness Assistance Center for review and follow-up.

**FISCAL IMPACT**

None.

**CONCLUSION**

The Grand Jury's Report reinforces Public Safety's need to follow current policies and practices related to the investigation of domestic violence incidents. Public Safety utilizes all of the Best Practices as outlined in the Grand Jury's Final Report.

**PUBLIC CONTACT**

Public contact was made through posting of the Council Agenda on the city's official notice bulletin board, posting of the agenda and report on the city's web page, publication of the Council agenda in the San Jose Mercury News, and the availability of the report in the Library and the City Clerk's Office.

**ALTERNATIVES**

1. Authorize the Mayor to sign the attached official response form and accompanying letter (Attachment C) in response to the Grand Jury's Findings and Recommendations.
2. Direct staff to prepare and alternative response to the Grand Jury.

**RECOMMENDATION**

Staff recommends Alternative #1.

Reviewed by:

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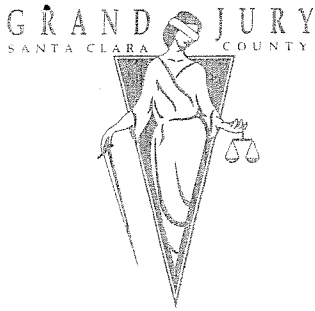
Don Johnson, Director, Public Safety  
Prepared by: Captain Dave Verbrugge

Approved by:

Amy Chan  
City Manager

**Attachments**

- A. Public Safety's Response to Survey
- B. Grand Jury Report "Reducing Language Barriers in Domestic Violence Calls"
- C. Proposed Response to the Grand Jury's Report



March 6, 2006

Director Don Johnson  
Department of Public Safety  
City of Sunnyvale  
700 All American Parkway  
P.O. Box 3707  
Sunnyvale, CA 94088-3707

Dear Mr. Johnson:

The 2005-2006 Santa Clara County Civil Grand Jury is conducting a survey concerning law enforcement agency policies, procedures, and practices for handling domestic violence related calls (domestic assaults, homicides, elder and child abuse, spousal rapes, stalking, and domestic hostage situations). We are especially interested in how you handle communications issues with non-English speaking parties involved in these incidents.

All questions in the attached questionnaire should be answered thoroughly—please use extra sheets of paper as necessary. Please include any additional information you believe we should know as well. A designated officer/deputy who oversees a domestic violence division may complete the questionnaire.

Your input is very important to our inquiry and we request that you return the questionnaire before **Monday, March 20, 2006** in the enclosed self-addressed stamped envelope. If you have any questions, contact Sylvia Head, 2005-2006 Santa Clara County Civil Grand Juror, at 408-315-3318.

Thank you in advance for your cooperation.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Thomas C. Rindfleisch". The signature is fluid and cursive, with a large loop at the end.

THOMAS C. RINDFLEISCH  
Foreperson  
2005-2006 Civil Grand Jury

TCR:dsa  
Enc: Domestic Violence Questionnaire





## 2005-2006 Santa Clara County Civil Grand Jury Domestic Violence Questionnaire

**Agency:** City of Sunnyvale, Department of Public Safety

**Name:** Don Johnson, Director

This questionnaire should be filled out completely and returned before **Monday, March 20, 2006**. Please use the enclosed self-addressed stamped envelope.

*\*FOR RESPONSES, REFER TO ATTACHED PRINT OUTS.*

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1. How many law enforcement officers do you have in your department?

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2. How many domestic violence related calls did your department receive in 2005?

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3. How many of these calls during 2005 had significant language barriers between the officer and parties involved?

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4. Which foreign languages were primarily spoken by parties during domestic violence related calls in 2005?

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5. What procedures do the patrol officers follow during a domestic violence call to communicate with non-English speakers?

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## 2005-2006 Santa Clara County Civil Grand Jury Domestic Violence Questionnaire

6. Do officers use family members, friends, or neighbors, to interpret? Why?

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7. Do you have certified interpreters within your department?

☐ YES

☐ NO

(If **YES**, answer questions 7a to 7c. If **NO**, go to question 8)

- 7a. What languages do the certified interpreters speak?

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- 7b. How many times were certified interpreters used in 2005?

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- 7c. Are the certified interpreters available 24/7? If not, when?

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8. Does the department use an outside agency for language interpretation during domestic violence related calls? If so, what agency? If not, why not?

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## 2005-2006 Santa Clara County Civil Grand Jury Domestic Violence Questionnaire

9. Are the officers ever required to use the outside language interpretation agency? If so, under what conditions is that required?

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10. How well would you say outside language interpretation agencies function in your experience? What issues do the officers have when required to use an outside agency for language interpretation?

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11. How often are the officers and law enforcement staff required to attend domestic violence training?

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12. What type of domestic violence training is offered to your officers?

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- 12a. Who conducts the training?

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## 2005-2006 Santa Clara County Civil Grand Jury Domestic Violence Questionnaire

**12b.** What topics were covered during training in 2005?

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**13.** Are the patrol officers trained yearly on the changes in the Domestic Violence Council protocol? If not, why not?

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**14.** Do the officers ask all parties during a domestic violence related call if they want a domestic violence advocate to call them?

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**15.** Do the officers carry and hand out the Domestic Violence Resource Card to each party?

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**16.** During a domestic violence investigation, to which domestic violence community-based agency does your department send police reports? If not, why not?

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## 2005-2006 Santa Clara County Civil Grand Jury Domestic Violence Questionnaire

17. Are domestic violence police reports concerning children sent to Children Protective Services? If not, why not?

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18. Does your department coordinate a Domestic Violence Response Team (such as officers, social workers, and advocates) with other agencies? If so, with which agencies?

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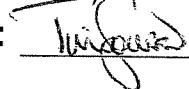
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*Name and position of person who filled out the form:*

Name: TIM JOHNSON  
Please Print

Signature: 

Title: DEPUTY CHIEF

Date: 3-15-06

Thank you for your efforts and for completing this form. Please return this survey in the self-addressed stamped envelope provided.

**Attention: Ms. Sylvia Head**  
Santa Clara County Civil Grand Jury  
Superior Court Building  
191 North First Street  
San Jose, CA 95113

## **2005 -2006 Santa Clara County Civil Grand Jury**

### **Domestic Violence Questionnaire**

**Question #1** - The Department of Public Safety is fully staffed with 210 sworn officers.

**Question #2** – During the 2005 calendar year, our department responded to 328 domestic violence related calls for service

**Question #3** – This information is not tracked by our department. Based on current year's (2006) domestic violence calls, detectives estimate that approximately five percent (5%) of domestic violence calls in the City of Sunnyvale require some form of translation due to a communication barrier involving a foreign language.

**Question #4** – In Sunnyvale the primary foreign language spoken by parties of domestic violence is Spanish, Vietnamese and Chinese.

**Question #5** – A Public Safety Officer handling this type of call will request a patrol unit who speaks the foreign language. If none are available, the officer may use citizens (not victim or suspect) to assist with translation. If the officer can not obtain an on scene translator, the officer will use the AT&T Language Line for assistance during interviews.

**Question #6** – Yes, at the discretion of the on scene officer(s), they may use other family members, friends, or neighbors to interpret during a domestic violence investigation.

**Question #7a** – Our organization has thirteen employees who are classified as bi-lingual. These employees are required to take and pass a certification test and receive additional pay. The languages spoken are Spanish, Chinese, and Tagalog. We have other employees who fluently speak Vietnamese, Korean, and Japanese. These employees assist with translation, but do not desire the additional pay or to take the certification test.

**#7b** - Our department has not tracked the investigations requiring interpreters and can not provide an accurate number.

**#7c** – The certified interpreters can be called 24/7 if needed. Employees, who are not certified but speak the foreign language, also respond during non business hours if requested.

**Question #8** – Yes, patrol officers can request an employee from another agency if one is available. If not, the AT&T Language Line for interpretation is used. Officers call the AT&T Language Line and request a specific language spoken by the involved parties. The officer speaks with interpreter who translates via the telephone.

**Question #9** – There is no policy stating that an officer must use an outside interpretation agency. With this said, our officers' value and use the services of these agencies for assistance with domestic violence investigations.

**Question #10** - The AT&T Language Line is very user friendly and provides the patrol officer with over one hundred twenty five different languages. An AT&T interpreter can be connected immediately for language translation.

**Question #11** – California Penal Code 13519 requires initial training in the Police Academy, and every two years there after. Additionally, Sunnyvale DPS officers are provided domestic violence training in Advanced Officer Courses every other year (2004, 2006, and 2008). At the patrol squad level, the Santa Clara County Domestic Violence Protocol and the Sunnyvale DPS Critical Policy for domestic violence is reviewed yearly.

**Question #12** – Domestic Violence training provided to our officers is the Basic Police Academy, In-house training at Advanced Officer Courses and Specialized Courses that detectives may be assigned to attend.

**#12a** – Sunnyvale DPS has utilized the District Attorney's Office Family Violence Unit, Domestic Violence Advocates, and California POST CPTN DVD training.

**#12b** – Advanced Officer Courses during 2005 did not comprise of domestic violence as this was an off set year (2005, 2007). At the squad level, domestic violence training was completed and involved the review of the County Domestic Violence Protocol, and SDPS Critical Policy for domestic violence. In 2006 all sworn officers will be required to attend an Advanced Officer Course pertaining to domestic violence.

**Question #13** – Public Safety Officers receive yearly updates on domestic violence laws, the Santa Clara County Domestic Violence Protocol and the Department Critical Policy regarding the handling of domestic violence incidents.

**Question #14** – No, Public Safety Officers do not ask this question to parties of domestic violence incidents.

**Question #15** – All Public Safety Officers carry Domestic Violence Resource Cards. Officers are required to provide and explain the Domestic Violence Resource Card to all victims of domestic violence. In a domestic dispute (PC

13730 report) the officers give a Domestic Violence Resource Card to each involved person.

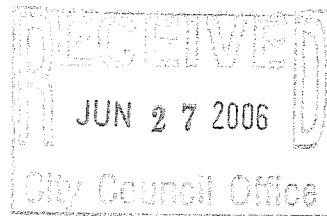
**Question #16** – The following agencies come to Sunnyvale Public Safety and review all domestic violence related reports written by Sunnyvale officers.

- Support Network for Battered Women.
- Santa Clara County – Victim/Witness Assistance Center.

**Question #17** – Yes, a copy of any domestic violence report involving children is referred to Child Protective Services (CPS). A CPS employee responds to Sunnyvale DPS and reviews/retrieves all reports involving children.

**Question #18** – Sunnyvale DPS does not coordinate a Domestic Violence Response Team with other agencies.





June 6, 2006

Honorable Ron Swegles  
Mayor  
City of Sunnyvale  
456 West Olive Avenue  
P. O. Box 3707  
Sunnyvale, CA 94088-3707

Dear Mayor Swegles and Members of the City Council:

The 2005-2006 Santa Clara County Civil Grand Jury is transmitting to you its Final Report, **Reducing Language Barriers in Domestic Violence Calls.**

California Penal Code § 933(c) requires that a governing body of the particular public agency or department which has been the subject of a Grand Jury final report shall respond within **90 days** to the Presiding Judge of the Superior Court on the findings and recommendations pertaining to matters under the control of the governing body. California Penal Code § 933.05 contains guidelines for responses to Grand Jury findings and recommendations and is attached to this letter.

**PLEASE NOTE:**

1. **As stated in Penal Code § 933.05(a), attached, you are required to "Agree" or "Disagree" with each APPLICABLE Finding(s) 1, 2, 3, 4, 5 & 6. *If you disagree, in whole or part, you must include an explanation of the reasons you disagree.***
2. **As stated in Penal Code § 933.05(b), attached, you are required to respond to each APPLICABLE Recommendation(s) 1, 2, 3, 4, 5 & 6, *with one of four possible actions.***

Your comments are due in the office of the Honorable Alden E. Danner, Presiding Judge, Santa Clara County Superior Court, 191 North First Street, San Jose, CA 95113, no later than **Friday, September 8, 2006.**

Copies of all responses shall be placed on file with the Clerk of the Court.

Sincerely,

THOMAS C. RINDFLEISCH  
Foreperson  
2005-2006 Civil Grand Jury

TCR:dsa  
Enclosures (2)

**California Penal Code Section 933.05, in relevant part:**

**933.05.** (a) For purposes of subdivision (b) of Section 933, as to each grand jury finding, the responding person or entity shall indicate one of the following:

- (1) The respondent agrees with the finding.
- (2) The respondent disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefor.

(b) For purposes of subdivision (b) of Section 933, as to each grand jury recommendation, the responding person or entity shall report one of the following actions:

- (1) The recommendation has been implemented, with a summary regarding the implemented action.
- (2) The recommendation has not yet been implemented, but will be implemented in the future, with a time frame for implementation.
- (3) The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a time frame for the matter to be prepared for discussion by the officer or head of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This timeframe shall not exceed six months from the date of publication of the grand jury report.
- (4) The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefor.



**2005-2006 SANTA CLARA COUNTY  
CIVIL GRAND JURY REPORT**

(ENDORSED)  
**FILED**  
JUN 06 2006  
KIRI TORRE  
Chief Executive Officer  
Superior Court of CA County of Santa Clara  
BY **D. ALDYCKI** DEPUTY

**REDUCING LANGUAGE BARRIERS IN  
DOMESTIC VIOLENCE CALLS**

**Summary**

According to U.S. Census Bureau data from the 2000 census, 19.5% of the population over 5 years old in Santa Clara County (County) do not communicate in English very well. The 2005-2006 Santa Clara County Civil Grand Jury (Grand Jury) investigated the policies, procedures and practices of how law enforcement agencies (Agencies) handle a domestic-violence-related call when there is a language barrier.

The findings and recommendations of this inquiry include:

1. Some officers ask children, friends, or neighbors to interpret on behalf of limited English speaking victims. Officers should not use alleged perpetrators to interpret, except in exigent circumstances. Preference should be given to using a certified interpreter.
2. Not all Agencies are utilizing an Over-the-Phone Interpretation (OPI) service. Agencies should train and encourage officers to use an OPI service when other interpretation resources are not readily available.
3. There is inconsistency among agencies in terms of training to keep officers up-to-date with Domestic Violence Protocol (Protocol) changes as developed by the Domestic Violence Council (DVC). One Agency relies on voluntary use of an internal website to allow officers to stay current on the Protocol. All Agencies should implement formal training to ensure that officers participate in a structured presentation of up-to-date information and require a certification that each officer has completed and comprehended the material.
4. Some Agencies do not collaborate with community-based organizations that provide domestic violence services and programs. Agencies should develop training programs in collaboration with community-based organizations (Organizations) to educate personnel about cultural, religious, economic, and immigration-related issues.
5. Officers provide the Domestic Violence Resource Card (Card) to victims during domestic-violence-related calls, but most often not to other affected parties. Agencies should require the officers to provide the Card to all principal parties, as appropriate.

6. One Agency does not facilitate community-based organization follow-up contact with domestic violence victims. Agencies should establish working relationships with appropriate Organizations to review police reports in order to facilitate Organization follow-up contact with victims for support and services.

## **Background**

Domestic violence, frequently involving criminal behaviors, affects victims, family, and community. For example, Asian Americans for Community Involvement (AACI) defines domestic violence as an "abusive or violent behavior that occurs between partners in a marriage or intimate relationship. The violence is often in the form of physical injury but may include sexual assault, threats, verbal abuse, emotional mistreatment, and/or destruction of property." Though victims are primarily women and children, men have been victimized as well. Domestic violence may continue after a relationship ends and can take place at home, in the workplace, or in other public settings.

### **LIMITED ENGLISH SPEAKING PERSONS**

Victims of domestic violence react to abuse differently depending on circumstances. The reactions are compounded for immigrants and limited English speakers, who are not accustomed to American law and culture. According to U.S. Census Bureau Statistics, the 2000 population of the County was over 1.7 million. The total foreign-born population in the County was 573,000, of whom 57% were from Asian countries and 29% from Latin America. Between 1990 and 2000, the County's foreign-born population grew by 265,000.

When an Agency receives an emergency domestic-violence-related call, the responding officers may be faced with parties who are limited English speakers. The U.S. Census Bureau reported that of the languages spoken at home in the County for populations over 5 years old, 55% spoke only English and 45% spoke a language other than English. Of the population who spoke another language, 43% of them spoke an Asian or Pacific Islander language and 53% of those did not speak English well. Likewise, 39% of the population spoke Spanish, and 52% of those did not speak English well. Officers need to be aware of languages and cultures which create barriers in communicating with the alleged victims and/or perpetrators in suspected domestic violence situations.

Officers are the first responders to domestic-violence-related calls. Their attitudes and actions toward those involved are crucial for identifying alleged perpetrators, making arrests, assisting victims, and avoiding inappropriate dual arrests. Officers must proceed cautiously to determine the nature of the dispute, the level of aggression, and the number of people involved. When persons are arrested, they may plead guilty because they desire to quickly return home to their families without understanding the ramifications of a guilty plea. Under Penal Code § 13701 and the Protocol, arrest of the dominant aggressor in a domestic violence situation is strongly encouraged, assuming

probable cause exists. Arrest is mandatory if violation of a prior restraining order is involved. It is essential that the officers allow all parties to communicate with proper translation concerning the incident.

Because of language barriers and different cultures, limited English speakers and/or immigrant victims might hesitate to call the police. According to the National Advisory Council on Violence Against Women:

"Due to isolation or language barriers, abusers may be the victims' only source of information about law enforcement or the criminal justice system. Abusers may tell victims that police will not believe them if they summon the police for help. Battered immigrants often fear that their abusers will carry out threats to have them deported, kidnap their children, or harm family members if they seek help."

## **COMMUNITY AND COUNTY ORGANIZATIONS**

Due to changing laws, attitudes and understanding about domestic violence, community-based and County Organizations involved in domestic violence issues continuously address the need to improve intervention for victims and strengthen punishment for perpetrators.

The DVC was commissioned by the County Board of Supervisors in 1991 and has 34 members, divided into 12 subcommittees. The commission developed a Protocol for handling domestic violence cases in 1993, at the request of the County Police Chiefs' Association. Members of this Association represent all of the city police departments in the County, the California Highway Patrol, the San Jose State University Police Department, the District Attorney's Office, and the Sheriff's Office. The Protocol is updated annually by the DVC.

There are five domestic violence Organizations in the County. These Organizations provide many programs and services to victims and a few to abusers. Next Door Solutions to Domestic Violence mainly serves the San Jose area by providing a 24-hour hotline, community outreach, emergency shelter, and long-term housing. AACI provides similar services and recognizes that language translation and cultural awareness need to be incorporated into domestic violence services and programs for immigrants and/or limited English speakers. Community Solutions, Support Network for Battered Women, and Maitri are three other Organizations in the County that provide support to those exposed to domestic violence. These Organizations created the Domestic Violence Advocacy Consortium (DVAC). The purpose of this Consortium is to share resources, write grant applications, and coordinate efforts.

## Discussion

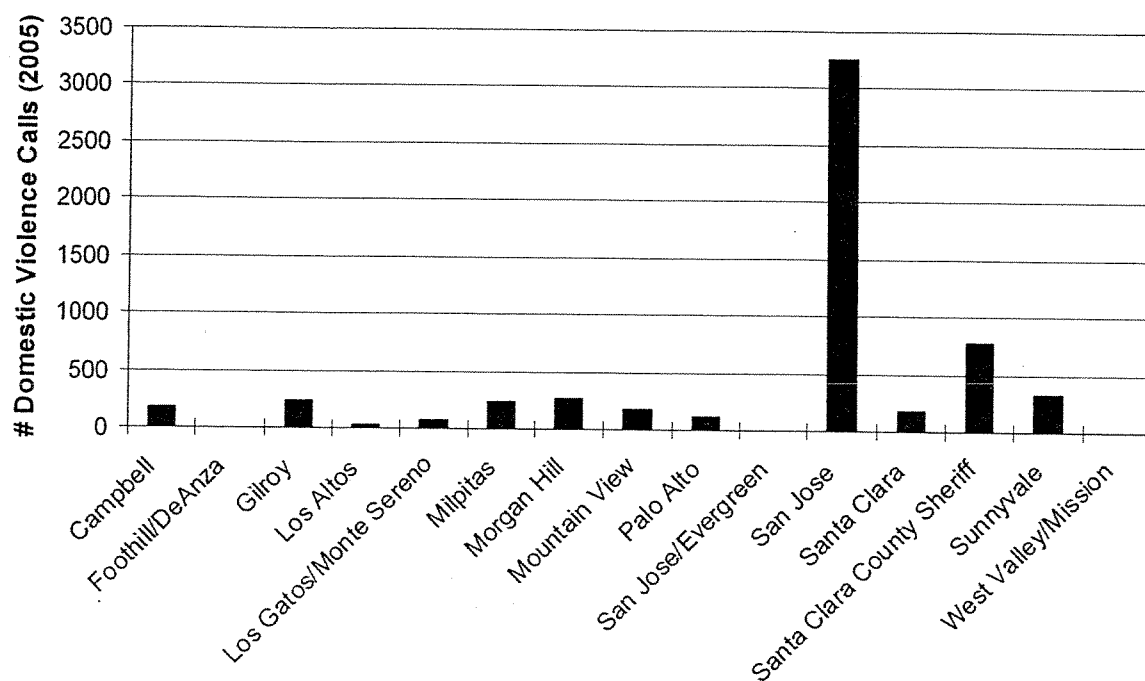
The Grand Jury conducted an inquiry to determine what Agency policies, procedures, and practices are used during domestic-violence-related calls and how Agency practices are aligned with procedures specified in the Protocol. The Grand Jury interviewed the Director of DVAC, a representative from the District Attorney's Office, members of DVC, and executives from two domestic violence Organizations.

During the interviews, concerns were expressed that some officers fail to understand the impact of abuse on victims and families during domestic-violence-related calls. Failure to use appropriate language interpreter services, as described in the Protocol, is a further concern.

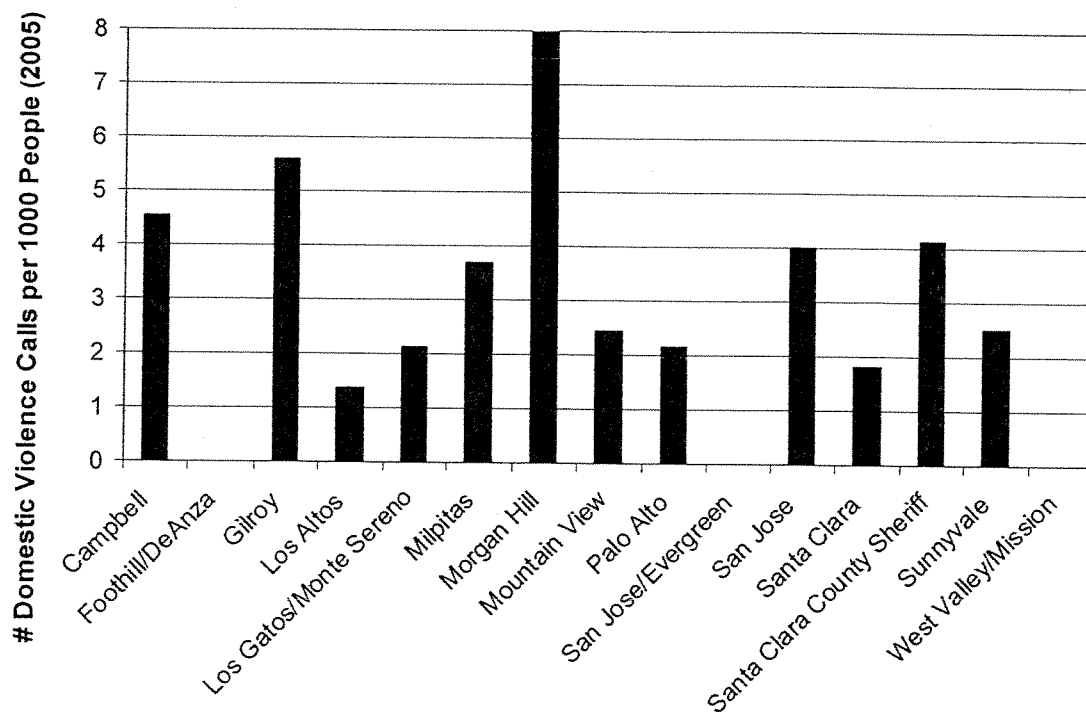
The Grand Jury conducted an 18-question survey of 15 Agencies in the County (see Appendix A):

1. Campbell Police Department
2. Foothill/DeAnza Community College District
3. Gilroy Police Department
4. Los Altos Police Department
5. Los Gatos/Monte Sereno Police Department
6. Milpitas Police Department
7. Morgan Hill Police Department
8. Mountain View Police Department
9. Palo Alto Police Department
10. San Jose/Evergreen Community College District
11. San Jose Police Department
12. Santa Clara County Sheriff's Office
13. Santa Clara Police Department
14. Sunnyvale Police Department
15. West Valley/Mission Community College District

Jurisdictions that contract with the Sheriff's Office for law enforcement services were not included in the survey. The questionnaire posed questions to reporting Agencies pertaining to policies, procedures, and practices used when responding to domestic-violence-related calls and dealing with limited English speakers.



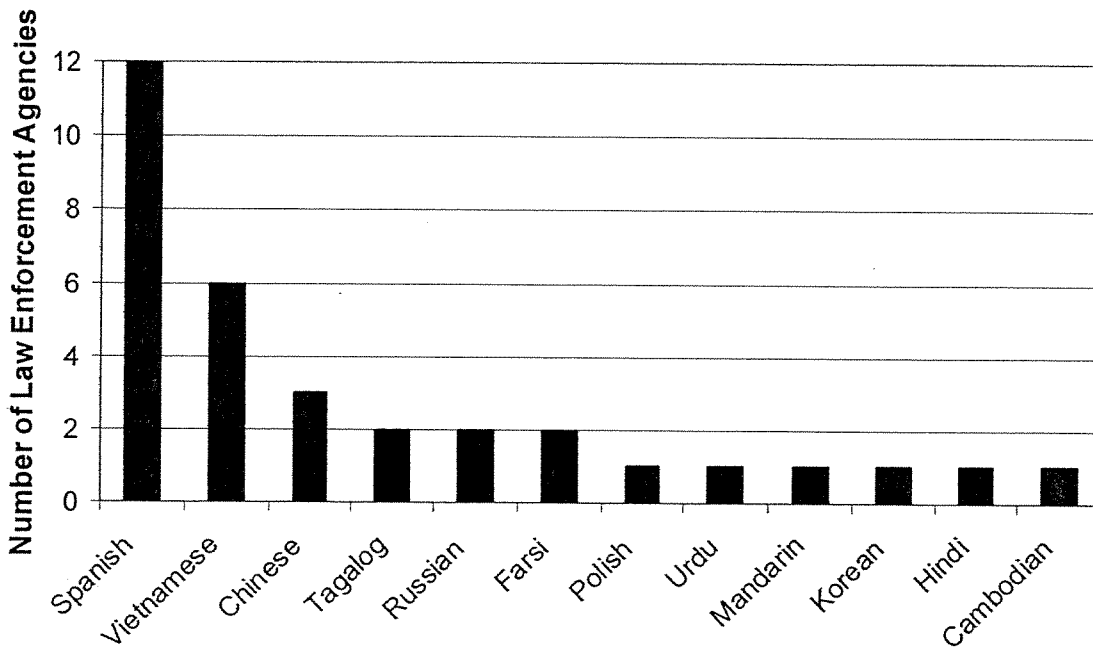
**Figure 1 (a):** Domestic-violence-related calls received by law enforcement agencies by jurisdiction in 2005.



**Figure 1 (b):** Per capita rate of domestic-violence-related calls received by jurisdiction in 2005.

In 2005, the 15 reporting Agencies received over 5,600 domestic-violence-related calls. Some of these 9-1-1 calls might include other violent offenses as well. The District Attorney's Office opened 4,007 domestic violence cases the same year. Of these, 3,477 were misdemeanors and 530 were felonies.

Survey results indicate 12 foreign languages spoken during domestic-violence-related calls in 2005 (question #4). The number of Agencies reporting incidents involving various foreign languages during domestic-violence-related calls is shown in Figure 2.



**Figure 2:** Foreign languages spoken in law enforcement agency jurisdictions during domestic-violence-related calls in 2005.

## LANGUAGE INTERPRETATION METHODS

When asked what procedures the officers follow to communicate with limited English speakers during domestic-violence-related calls (question #5), most Agencies will first use a bilingual officer or staff member to translate. If one is not available, some Agencies use an officer in a neighboring Agency, who speaks the language, to interpret. A third approach is to use an OPI service such as Language Line Services (formerly AT&T Language Line Services) or NetworkOmni. According to the survey, two Agencies do not utilize an OPI service.

Seven Agencies indicated that as a "last resort," for expediency and practicality, officers use family members, friends, and neighbors to interpret, but not as a general practice (question #6). Many Agencies do not use any family members or neighbors because of possible bias. One Agency will use citizens who are not victims or suspects. One community college district will use bilingual citizens who are on campus to



interpret. The Protocol recommends that officers not use family members for interpretation except in exigent circumstances.

### *Certified and Other Interpreters*

All Agencies except the community college districts have certified interpreters on staff (question #7). Some of the Agencies listed certified interpreters for the following languages: Arabic, Burmese Cantonese, Hindi, Korean, Russian, Mandarin, Spanish, Tagalog, and Vietnamese. Certified interpreters are often not available during all shifts (question #7c). However, one Agency has interpreters on call.

Community-based organizations serving domestic violence victims have foreign language speakers. Next Door Solutions to Domestic Violence has personnel who speak Spanish, Mandarin, Tagalog, Vietnamese, Korean, and Hindi. A variety of Asian languages are spoken by staff members at AACI. One Agency uses the Asian Women's Hotline.

### *Over-the-Phone Interpretation (OPI) Service*

When asked if the officers are ever required to use contracted language interpretation services (question #8), all but four Agencies responded "yes." Though many Agencies utilize an OPI service, many indicated that officers have operational concerns (question #9). Some reported that the phone line may not ensure privacy. Other issues may include the lack of availability of the phones in the house, the cumbersomeness of the process, and the inability to record the conversation. One Agency reported that interpreters may not be familiar with the law and do not perceive other cues related to abuse, such as eye contact, facial expressions, and body language. Some Agencies indicated that the service functions well, but not as well as person-to-person interpretation.

According to Language Line Services, the company provides 24-hour service and assistance in language identification.

## **TRAINING**

The immigrant and limited English speaking population in the County continues to grow and change demographically. Some Agencies do not collaborate with community-based organizations that provide domestic violence services and programs relevant to this population. Continuous training is needed for law enforcement personnel regarding the victims, perpetrators, and community affected by domestic violence.

According to the Peace Officer Standards & Training (POST), effective January 1, 1999, Penal Code § 13519(c)(5) was added to require that officers be trained to recognize signs of domestic violence. Penal Code § 13519 also establishes training requirements for law enforcement officers about domestic violence issues every two years.

The survey asked the Agencies to indicate how often officers and law enforcement staff are required to attend domestic violence training (question #11). Fourteen Agencies indicated training at least every two years, including one Agency that indicated training every year. One Agency stated training was not regularly scheduled.

When asked about domestic violence training for the officers (questions #12 and 12b), all Agencies have some type of training at the academy for new hires and current personnel. In 2005, the topics included legal issues and the Domestic Violence Protocol.

The Protocol is updated every year and all police chiefs and the Sheriff commit to implementing it. When asked if Agencies provide yearly training on the Protocol (question #13), two Agencies indicated that training is not provided. One wrote that "some of the changes are minor and every officer has access to the Protocol on the [Agency] Intranet." Another Agency provides annual instruction on domestic violence response and investigation for their officers.

Some assert that combinations of training and other information resources are needed for officers. In supporting this assertion, the National Advisory Council on Violence Against Women recommends that law enforcement personnel respond to immigrants and limited English speaking victims of sexual assault, stalking, and domestic violence in a culturally and linguistically sensitive manner.

## **DOMESTIC VIOLENCE ADVOCATES**

The DVC provides a Domestic Violence Resource Card for officers to carry and hand out during a domestic-violence-related call (question #15). All Agencies offer the Card to victims. Most Agencies do not provide the Card to other affected parties.

One survey question asked if officers provided all parties, during a domestic-violence-related call, the opportunity to have a domestic violence advocate call them (question #14). One Agency indicated that "each victim is provided information on the availability of DV [domestic violence] advocates and other support resources." Another Agency verbally explains the content on the Card to the victims. Another Agency reported that, "At the scene, the victim is advised of the rights to have an advocate at all subsequent interviews."

The Grand Jury wanted to learn to which Organizations the Agencies send police reports during domestic violence investigations (question #16). All but one Agency provide police reports to at least one Organization. That Agency reported, "The reports are not sent to any community-based [organization] agency because of the privacy and confidentiality issues related to DV investigations. The reports used to be available to an advocate from the Victim/Witness Assistance Center in SJ [San Jose], but the advocate position was eliminated on Feb. 1, 2005." Two other Agencies indicated they send reports to the Victim/Witness Assistance Center.

According to two law enforcement academy trainers, victims have the right to confidentiality and should be so advised. Agencies do release names of victims to support organizations. If, during the first contact, the victim requests that the Organization not re-contact them, further calls will not be made. Organizations sign an agreement with law enforcement Agencies that they will adhere to these privacy conditions. All Agencies provide police reports concerning children to Child Protective Services (question #17).

## **Conclusion**

From the survey, the Grand Jury found that the 15 reporting law enforcement Agencies received over 5,600 domestic-violence-related calls in 2005. Because domestic violence frequently involves criminal behaviors which affect all types of people, the policies, procedures, and practices of officers handling these calls must align with the Domestic Violence Protocol. Additional consideration must include collaboration with community-based and government organizations involved with persons in domestic violence incidents, immigrants, and limited English speakers. Interpretation services are needed, as well as continuous training, to understand and recognize the cultural differences in communities throughout the County.

Specific findings and recommendations include:

### **Finding 1**

Some officers ask children, friends, or neighbors to interpret on behalf of a limited English speaking person, which is not supported in the Domestic Violence Protocol.

### **Recommendation 1**

Officers should use discretion with non-certified sources of interpretation, such as family members, children, or neighbors. Officers should not use alleged perpetrators to interpret, except in exigent circumstances. Preference should be given to using a certified interpreter, who may be available within the responding Agency or from a neighboring Agency and/or an Over-the-Phone Interpretation service.

### **Finding 2**

Three Agencies surveyed do not utilize an OPI service, whereas other Agencies successfully use an OPI service, such as Language Line Services or NetworkOmni as an option for language interpreters.

## **Recommendation 2**

Law enforcement Agencies serving diverse communities with limited English speakers should implement a policy to train and encourage officers to use an OPI service when other interpretation resources are not readily available.

## **Finding 3**

There is inconsistency among agencies in terms of training to keep officers up-to-date with Domestic Violence Protocol changes as developed by the Domestic Violence Council. One Agency relies on voluntary use of an internal website to allow officers to stay current on the Protocol.

## **Recommendation 3**

All Agencies should implement formal training to ensure that officers participate in structured presentations of up-to-date information and require a certification that each officer has completed and comprehended the material.

## **Finding 4**

The immigrant and limited English speaking population in the County continues to grow and change. Some Agencies do not collaborate with community-based organizations that provide domestic violence services and programs relevant to this population.

## **Recommendation 4**

Agencies should develop training programs in collaboration with community-based organizations to educate all personnel about cultural, religious, economic, and immigration-related issues that may affect victims' decisions and reactions to domestic violence and community services. Conducting outreach programs with immigrant communities helps to connect these communities with the police and inform them about the law.

## **Finding 5**

Officers provide the Domestic Violence Resource Card to victims during domestic-violence-related calls, but most often not to other affected parties.

## **Recommendation 5**

Agencies should require officers to provide the Card to all parties involved, as appropriate.

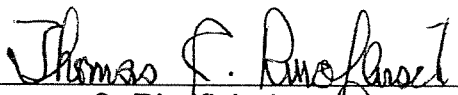
## **Finding 6**

One Agency does not have an agreement with any domestic violence community-based organization to review police reports in order to facilitate Organization follow-up contact with victims for support and services.

## **Recommendation 6**

All Agencies should establish working relationships with appropriate community-based organizations.

PASSED and ADOPTED by the Santa Clara County Civil Grand Jury on this 22<sup>nd</sup> day of May, 2005.

  
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Thomas C. Rindfleisch  
Foreperson

## References

### Documents

1. 2000 U.S. Census Bureau Statistics, Santa Clara County, California, [http://www.gcir.org/about\\_immigration/us\\_counties.htm](http://www.gcir.org/about_immigration/us_counties.htm), (last visited May 1, 2006).
2. Police Chief's Association of Santa Clara County, Domestic Violence Protocol for Law Enforcement 2006.
3. Language Line Services (2004), Commonly Asked Interpretation Questions and Answers, [http://www.language-line.com/pdf/QnA\\_Interpretation\\_062204.pdf](http://www.language-line.com/pdf/QnA_Interpretation_062204.pdf), (last visited May 3, 2006).
4. California Alliance Against Domestic Violence, Linking Communities: A Multicultural & Diversity Resource Guide 2003-2004, <http://www.caadv.org/docs/linking.pdf>, (last visited April 30, 2006).
5. National Advisory Council on Violence Against Women (2001), Additional Justice System Responses, Chapter 5 in *Toolkit to End Violence Against Women*, <http://toolkit.ncjrs.org/files/fullchapter5.pdf>, (last visited April 18, 2006).
6. Peace Officer Standards and Training (POST), Domestic Violence Learning Domain 25, South Bay Regional Public Safety Training Academy Training Presentation.
7. Santa Clara County Domestic Violence Council, Death Review Committee Final Report, January 1 – December 31, 2005.

### Interviews

1. August 17, 2005, Supervising Deputy District Attorney, Office of the District Attorney, County of Santa Clara.
2. October 5, 2005, Director, Next Door Solutions to Domestic Violence, San Jose.
3. November 15, 2005, President/CEO, Domestic Violence Program Manager, and Director, Asian Americans for Community Involvement, San Jose.
4. January 12, 2006, Project Director, Santa Clara County Domestic Violence Advocacy Consortium, San Jose.
5. May 1, 2006, Trainers, South Bay Regional Public Safety Training Consortium.

## **Meetings Attended**

1. January 10, 2006, Santa Clara County Domestic Violence Council, Police-Victim Relations Committee Meeting.
2. February 3, 2006, Santa Clara County Domestic Violence Council monthly meeting.
3. February 3, 2006, Representative of the Los Gatos/Monte Sereno Police Department.

## Appendix A

### 2005-2006 Santa Clara County Civil Grand Jury Domestic Violence Questionnaire

1. How many law enforcement officers do you have in your department?
2. How many domestic violence related calls did your department receive in 2005?
3. How many of these calls during 2005 had significant language barriers between the officer and parties involved?
4. Which foreign languages were primarily spoken by parties during domestic violence related calls in 2005?
5. What procedures do the patrol officers follow during a domestic violence call to communicate with limited English speakers?
6. Do officers use family members, friends, or neighbors, to interpret? Why?
7. Do you have certified interpreters within your department?  
  
(If **YES**, answer questions 7a to 7c. If **NO**, go to question 8)  
7a. What languages do the certified interpreters speak?  
7b. How many times were certified interpreters used in 2005?  
7c. Are the certified interpreters available 24/7? If not, when?
8. Does the department use an outside agency for language interpretation during domestic violence related calls? If so, what agency? If not, why not?
9. Are the officers ever required to use the outside language interpretation agency? If so, under what conditions is that required?
10. How well would you say outside language interpretation agencies function in your experience? What issues do the officers have when required to use an outside agency for language interpretation?
11. How often are the officers and law enforcement staff required to attend domestic violence training?
12. What type of domestic violence training is offered to your officers?  
  
12a. Who conducts the training?  
  
12b. What topics were covered during training in 2005?



## **Appendix A – Continued**

13. Are the patrol officers trained yearly on the changes in the Domestic Violence Council protocol? If not, why not?
14. Do the officers ask all parties during a domestic violence related call if they want a domestic violence advocate to call them?
15. Do the officers carry and hand out the Domestic Violence Resource Card to each party?
16. During a domestic violence investigation, to which domestic violence community-based agency does your department send police reports? If not, why not?
17. Are domestic violence police reports concerning children sent to Children Protective Services? If not, why not?
18. Does your department coordinate a Domestic Violence Response Team (such as officers, social workers, and advocates) with other agencies? If so, with which agencies?

Attachment C

August 23, 2006

Honorable Alden E. Danner, Presiding Judge  
Santa Clara County Superior Court  
191 North First St.  
San Jose, CA 95113

Dear Judge Danner:

The Sunnyvale City Council received the Santa Clara County Civil Grand Jury's Final Report on Reducing Language Barriers in Domestic Violence Calls on June 22, 2006. Following is the Council's response to the Findings and Recommendations as required by Penal Code § 933.05(a) and § 933.05(b).

**Finding 1**

Some officers ask children, friends, or neighbors to interpret on behalf of a limited English speaking person, which is not supported in the Domestic Violence Protocol.

**Recommendation 1**

Officers should use discretion with non-certified sources of interpretation, such as family members, children, or neighbors. Officers should not use alleged perpetrators to interpret, except in exigent circumstances. Preferences should be given to using a certified interpreter, who may be available within the responding agency or from a neighboring agency and/or an Over the Phone Interpretation (OPI) service.

**Implementation**

*Agree. Public Safety currently has thirteen employees who are certified as bi-lingual in Spanish, Chinese or Tagalog. We have other employees who are fluent in Vietnamese, Korean and Japanese, however they choose not to take the certification test to receive the additional bi-lingual pay. Public Safety also currently utilizes the Language Line Service to assist in their investigations in the field and at the Public Safety building. While uninvolved parties may be used initially to determine what has occurred, discretion is always used in determining the relationship of the involved parties and the potential interpreter.*

**Finding 2**

Three agencies surveyed do not utilize an OPI service, whereas other agencies successfully use an OPI service, such as Language Line Services or Network Omni as an option for language interpreters.

**Recommendation 2**

Law enforcement agencies serving diverse communities with limited English speakers should implement a policy to train and encourage officers to use an OPI service when other interpretation resources are not readily available.

**Implementation**

*Agree. Public Safety is not one of the three agencies the Grand Jury is referring to in this finding. While we do not have a written policy on using the OPI service, officers are trained in the Field Training program and during advanced officer training sessions on how to utilize the services and we do so on a regular basis.*

**Finding 3**

There is inconsistency among agencies in terms of training to keep officers up-to-date with Domestic Violence Protocol changes as developed by the Domestic Violence Council. One agency relies on voluntary use of an internal website to allow officers to stay current on the Protocol

**Recommendation 3**

All agencies should implement formal training to ensure that officers participate in structured presentations of up-to-date information and require a certification that each officer has completed and comprehended the material.

**Implementation**

*Agree. Public Safety's Police Training Unit currently provides yearly updates on the Domestic Violence Protocol and has done so since the initial protocol was developed in 1993. The training sessions are documented and kept in individual officer's training records as well as the department's overall training records for training provided.*

**Finding 4**

The immigrant and limited English speaking population in the county continues to grow and change. Some agencies do not collaborate with community-based organizations that provide domestic violence services and programs relevant to this population.

**Recommendation 4**

Agencies should develop training programs in collaboration with community-based organizations to educate all personnel about cultural, religious, economic, and immigration-related issues that may affect victims' decisions and reactions to domestic violence and community services. Conducting outreach programs with immigrant communities helps to connect these communities with the police and inform them about the law.

**Implementation**

*Agree. Public Safety conducts multiple advanced officer training sessions per year for all officers on the department. At least one of the sessions pertains to diversity within the community and learning about the different cultures that make up the citizenry of the community.*

**Finding 5**

Officers provide the Domestic Violence Resource Card to victims during domestic-violence-related calls, but most often not to other affected parties.

**Recommendation 5**

Agencies should require officers to provide the card to all parties involved, as appropriate.

**Implementation**

*Agree. All Public Safety Officers carry Domestic Violence Resource Cards with them on a daily basis. When the officers investigate a domestic violence incident they are trained, per the Domestic Violence Protocol, to provide the involved parties with the Resource Card.*

**Finding 6**

One agency does not have an agreement with any domestic violence community-based organization to review police reports in order to facilitate organization follow-up contact with victims for support and services.

**Recommendation 6**

All agencies should establish working relationships with appropriate community-based organizations.

**Implementation**

*Agree. Currently there are two community-based organizations that work with Public Safety to assist the victims of domestic violence. A representative from the Support Network for Battered Women comes to Public Safety weekly to review domestic violence related police reports and conduct follow-up phone calls to the victims. These reports are also sent weekly to the Santa Clara County Victim/Witness Assistance Center for review and follow-up.*

If you have any comments, questions, or concerns, please contact me at (408) 730-7473.

Sincerely,

Ron Swegles  
Mayor